

1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>			
2	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	Re- <u>direct</u>	Re- <u>cross</u> By <u>Examiner</u>
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7		None			
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9		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>			
10	<u>Number</u>	<u>For Identification</u>			<u>In Evidence</u>
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14		None so marked.			
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1 JUDGE BRODSKY: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call
3 Docket 03-0512. This is Wanda and Kirk Day versus
4 Peoples Gas Light and Coke Company, and it is a
5 complaint as to billing.

6 May I have the appearances for the
7 record, please.

8 MS. ZIAJA: Erin Ziaja with McGuire Woods
9 representing the Respondent, Peoples Gas Light and
10 Coke Company.

11 MS. MALONE: Susan Malone for the Complainants,
12 Wanda and Kirk Day

13 JUDGE BRODSKY: Okay. Thank you.

14 This is the pretrial status hearing
15 today. At this point, we have a request for
16 stipulation of facts filed by Peoples Gas.
17 Ms. Malone -- or actually, first, Ms. Day -- excuse
18 me. Ms. Ziaja --

19 MS. ZIAJA: Point my direction and I'll respond.

20 JUDGE BRODSKY: Do you have any further
21 comments?

22 MS. ZIAJA: No. I spoke with Ms. Malone

1 briefly out in the hallway before coming in. She
2 said she has not had an opportunity to review the
3 request for stipulation and she was hoping to do
4 that tonight.

5 I think the point with that was that --
6 was to try to narrow the field of facts that are
7 going to be brought up in this evidentiary hearing.
8 And we weren't aware whether or not what
9 Peoples Gas is reflecting on the record in terms of
10 the money received from Ms. Day here is in play
11 here.

12 So this was to try to solidify that
13 we're at least not disputing what she paid us and
14 what dates she's paid us.

15 MS. MALONE: I believe if I got it on Friday.

16 JUDGE BRODSKY: Okay.

17 MS. MALONE: And so I haven't had the
18 opportunity to review it completely with the
19 client. I'll try to do it tonight. And if we can,
20 we'll stipulate to as much as we can.

21 JUDGE BRODSKY: Okay. Well, that's fine. Then
22 we'll hold this item until the evidentiary hearing.

1 Okay. Are there other matters for today
2 other than just to deal with the scope of the
3 complaint?

4 Obviously, the request for stipulation
5 is at issue.

6 MS. MALONE: Hm-hmm.

7 JUDGE BRODSKY: Is everything within the scope
8 of the complaint as submitted originally still at
9 issue?

10 MS. MALONE: Yes.

11 JUDGE BRODSKY: Okay. So with that said, we
12 will run the hearing on Thursday beginning at 9:30.
13 We'll run it until completion.

14 Are there any questions from either of
15 you at this point?

16 MS. ZIAJA: I have no questions.

17 MS. MALONE: I don't believe so.

18 JUDGE BRODSKY: Okay. All right. And we had
19 discussed the schedule after the -- well, this is
20 related to the previous extension.

21 At this point, obviously, we're near the
22 end of that schedule since this is the pretrial

1 status. There were no motions filed that I was
2 aware of, so there's really nothing further to
3 proceed on today.

4 MS. ZIAJA: I will ask one question.

5 We're going to be having two witnesses.
6 Should I have them both here at 9:30? We're going
7 to have one person from the meter testing division
8 that's coming in and we're also going to be having
9 a customer care representative.

10 JUDGE BRODSKY: Okay. And --

11 MS. ZIAJA: And I'm not sure what -- I have no
12 idea how many witnesses Ms. Malone is planning to
13 bring either.

14 JUDGE BRODSKY: Okay. So have you guys talked
15 about witnesses at all?

16 MS. MALONE: No, we haven't.

17 I don't know who these peoples are, nor
18 what they possibly add. But, you know, I can't
19 imagine, given the nature of the complaint, that
20 we're going to be talking about a particularly
21 lengthy hearing in any event.

22 You know, I would imagine witnesses will

1 be gone through rather speedily.

2 MS. ZIAJA: Well, there's actually quite a few
3 issues that are raised in the complaint.

4 JUDGE BRODSKY: Yeah, I would ask that you guys
5 allow all day for the hearing. Now, you may not be
6 here until 5:00 o'clock, okay? But there are a
7 number of things to go through and it'll take
8 whatever time it takes.

9 Let me ask this:

10 How many witnesses are you planning to
11 provide?

12 MS. MALONE: What I'm planning is two witnesses
13 and then the -- whatever the cross-examination of
14 whatever the Peoples Gas witnesses have to say.

15 MS. ZIAJA: Who -- which witness are you
16 bringing in?

17 MS. MALONE: Very likely, my two clients.

18 MS. ZIAJA: Okay. Wanda and Kirk Day?

19 MS. MALONE: Right.

20 Who are these Peoples Gas
21 representatives?

22 MS. ZIAJA: One is Donald Taylor who's the

1 supervisor of the meter testing and repair
2 division. He works with both Peoples Gas as well
3 as the City of Chicago meters in terms of testing.
4 His testimony will focus on the accuracy
5 of the meters, sort of the testing procedure,
6 because it's my understanding that one of the
7 elements of the complaint is both that the IRDT
8 meter that was installed on May 2003 is not reading
9 accurately. At least that's my understanding based
10 on the previous discussions with Ms. Day. If
11 that's not an issue, then let me know what it would
12 be.

13 MS. MALONE: So he's going to testify that these
14 meters generally work.

15 MS. ZIAJA: He's going to be testifying as to
16 the testing that was done on the meter that was
17 installed for Ms. Day's property as well as the
18 general testing procedures.

19 He's also going to be able to testify to
20 the accuracy of the meter that was removed and it
21 was installed on her property, because it's my
22 understanding that she's not only alleging that the

1 initial meter, the original meter that was placed
2 in her building, however many years ago was
3 malfunctioning and not reading correctly, but also
4 that the new meter that's been installed is not
5 reading correctly.

6 Is that accurate?

7 MS. MALONE: Hm-hmm.

8 MS. ZIAJA: Okay. So it will be Donald Taylor
9 is the name of the supervisor who will be testing
10 to that fact.

11 And then Brian Schmult is the customer
12 care representative who will be testifying as so
13 sort of the maintenance of the account and his
14 communications with Ms. Day and their attempt to
15 try to reconcile the situation as well as the
16 accuracy of the transcript.

17 JUDGE BRODSKY: Okay. Given the nature of the
18 discussion, is everybody going to be ready to
19 proceed on Thursday?

20 MS. MALONE: Yeah.

21 MS. ZIAJA: Hm-hmm.

22 JUDGE BRODSKY: Okay. All right. Then I guess

1 what we'll do is we'll continue it until that time.

2 And if you have any matters that you
3 wish to discuss amongst yourselves, the room will
4 be open for a brief period and you may do that.
5 Otherwise, I'll see you all on Thursday.

6 Thank you.

7 MS. MALONE: Okay. Thank you.

8 MS. ZIAJA: Thank you.

9 (Whereupon, said hearing was
10 continued to May 6, 2004.)

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